

# **EXHIBIT 12**

**King, Ben**

**From:** Taylor, Greg  
**Sent:** Friday, May 25, 2007 4:58 PM  
**To:** 'Dennis, Beryl'; Beus Gilbert Parmalat Counsel; Clifford Chance Parmalat Counsel; Cohen Milstein Parmalat Counsel; Davis Polk Parmalat Counsel; DiamondParmalat Counsel; Heller Parmalat Counsel; Helms Mulliss Parmalat Counsel; Kramer Parmalat Counsel; Quinn Emanuel Parmalat Counsel; Sidley Parmalat Counsel; Stroock Parmalat Counsel; Lanier.Saperstein@NewYork.AllenOverly.com; laura.martin@newyork.allenoverly.com; michael.feldberg@newyork.allenoverly.com; todd.fishman@newyork.allenoverly.com; meweinhart@belinlaw.com; rwlozier@belinlaw.com; bnl.attorneys@dpw.com; nancy.ludmerer@dpw.com; John F. Kinney; mclambert@lawpost-nyc.com; dzilka@gelaw.com; jkairis@gelaw.com; Sabella@gelaw.com; sgrant@gelaw.com; hminkel@nyc.rr.com; hamza@hugheshubbard.com; khemani@hugheshubbard.com; rjanvey@janveygordon.com; jhartmann@kirkland.com; maduffy@kirkland.com; spatton@kirkland.com; cbrubaker@kdefe.com; jdonley@kdefe.com; thuyinh@kdefe.com; janet.link@lw.com; john.casey@lw.com; miles.ruthberg@lw.com; peter.devereaux@lw.com; asalpeter@mayerbrown.com; bhudak@mayerbrownrowe.com; D Ring; Modorizzi@mayerbrown.com; jbove@mintz.com; kbasabe@mintz.com; rbodian@mintz.com; jbaughman@paulweiss.com; aabramowitz@srk-law.com; dmirarchi@srk-law.com; rkopp@srk-law.com; RKraemer@srk-law.com; rroseman@srk-law.com; adevooght@winston.com; bbrown@winston.com; cweller@winston.com; kdejong@winston.com; lcoberly@winston.com; mmace@winston.com  
**Subject:** RE: In re Parmalat: Petrucci deposition  
**Attachments:** RE: Parmalat: Petrucci information; Ltr to Brian D. Vann.pdf

Counsel:

The Joint Liquidators continue to object to this proposed deposition, as the fact discovery deadline passed long ago. See my prior email from April 16 and letter from March 7, copies of which are attached.

Regards,  
Greg

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**From:** Dennis, Beryl [mailto:bdennis@sidley.com]  
**Sent:** Friday, May 25, 2007 1:18 PM  
**To:** Beus Gilbert Parmalat Counsel; Clifford Chance Parmalat Counsel; Cohen Milstein Parmalat Counsel; Davis Polk Parmalat Counsel; DiamondParmalat Counsel; Heller Parmalat Counsel; Helms Mulliss Parmalat Counsel; Kramer Parmalat Counsel; Quinn Emanuel Parmalat Counsel; Sidley Parmalat Counsel; Stroock Parmalat Counsel; Lanier.Saperstein@NewYork.AllenOverly.com; laura.martin@newyork.allenoverly.com; michael.feldberg@newyork.allenoverly.com; todd.fishman@newyork.allenoverly.com; meweinhart@belinlaw.com; rwlozier@belinlaw.com; bnl.attorneys@dpw.com; nancy.ludmerer@dpw.com; John F. Kinney; mclambert@lawpost-nyc.com; dzilka@gelaw.com; jkairis@gelaw.com; Sabella@gelaw.com; sgrant@gelaw.com; hminkel@nyc.rr.com; hamza@hugheshubbard.com; khemani@hugheshubbard.com; rjanvey@janveygordon.com; jhartmann@kirkland.com; maduffy@kirkland.com; spatton@kirkland.com; cbrubaker@kdefe.com; jdonley@kdefe.com; thuyinh@kdefe.com; janet.link@lw.com; john.casey@lw.com; miles.ruthberg@lw.com; peter.devereaux@lw.com; asalpeter@mayerbrown.com; bhudak@mayerbrownrowe.com; D Ring; Modorizzi@mayerbrown.com; jbove@mintz.com; kbasabe@mintz.com; rbodian@mintz.com; jbaughman@paulweiss.com; aabramowitz@srk-law.com; dmirarchi@srk-law.com; rkopp@srk-law.com; RKraemer@srk-law.com; rroseman@srk-law.com; adevooght@winston.com; bbrown@winston.com; cweller@winston.com; kdejong@winston.com; lcoberly@winston.com; mmace@winston.com  
**Subject:** In re Parmalat: Petrucci deposition

6/1/2007

Counsel:

The deposition of Andrea Petrucci has been tentatively scheduled for June 7, at Chiomenti Studio Legale in Milan. We are still awaiting word from Mr. Petrucci's attorney about whether he intends to appear that day, and if so, whether he will be providing substantive testimony. We will pass along details as soon as we have them.

Thank you.

Beryl Dennis, Legal Assistant  
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Sidley Austin LLP mail server made the following annotations on 05/25/07, 13:16:10:

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6/1/2007

**King, Ben**

**From:** Taylor, Greg

**Sent:** Monday, April 16, 2007 1:07 PM

**To:** 'Vann, Brian D.'; 'Jeremy Andersen'; 'aabramowitz@srk-law.com'; 'aglenn@kasowitz.com'; 'CMHTParmalat@cmht.com'; 'DiamondParmalat Counsel'; 'dzilka@gelaw.com'; 'HBDParmalatCounsel @ hbdlawyers'; 'Herbert P. Minkel, Jr.'; 'jbauchner@kasowitz.com'; 'jkairis@gelaw.com'; 'jsabella@gelaw.com'; 'lbeus@beusgilbert.com'; 'mbowen@kasowitz.com'; 'mfay@kasowitz.com'; 'Quinn Emanuel Parmalat Counsel'; 'rjanvey@janveygordon.com'; 'rkopp@srk-law.com'; 'rkraemer@srk-law.com'; 'rmills@beusgilbert.com'; 'rroseman@srk-law.com'; 'rwilliams@beusgilbert.com'; 'sraig@beusgilbert.com'; 'sgrant@gelaw.com'; 'sstirling@beusgilbert.com'; 'tparis@beusgilbert.com'; '#NYcciffordchanceParmalatCounsel@Cliffordchance.com'; 'adevooght@winston.com'; 'asalpeter@mayerbrown.com'; 'bbraun@winston.com'; 'bhudak@mayerbrownrowe.com'; 'bnl.attorneys@dpw.com'; 'cbrubaker@kdefe.com'; 'csiegel@kramerlevin.com'; 'cweller@winston.com'; 'deloitte.us.parmalat.counsel @ dpw'; 'dring@mayerbrownrowe.com'; 'hamza@hugheshubbard.com'; 'HellerParmalatCounsel @ hellerehrman'; 'HMWParmalatCounsel@hmw.com'; 'janet.link@lw.com'; 'jbaughman@paulweiss.com'; 'jbove@mintz.com'; 'jdavis@kramerlevin.com'; 'jdonley@kdefe.com'; 'jkinney@ffspc.com'; 'john.casey@lw.com'; 'jpopolow@kramerlevin.com'; 'kbasabe@mintz.com'; 'kdejong@winston.com'; 'Khemani@hugheshubbard.com'; 'lanier.saperstein@newyork.allenoverly.com'; 'laura.martin@allenoverly.com'; 'lcoberly@winston.com'; 'mclambert@lawpost-nyc.com'; 'mdell@kramerlevin.com'; 'meweinhardt@belinlaw.com'; 'michael.feldberg@newyork.allenoverly.com'; 'miles.ruthberg@lw.com'; 'mmace@winston.com'; 'moberman@kramerlevin.com'; 'Modorizzi@mayerbrown.com'; 'npakrashi@kramerlevin.com'; 'peter.devereaux@lw.com'; 'rbodian@mintz.com'; 'rwlozier@belinlaw.com'; 'Sidley Parmalat Counsel'; 'sruskaykidd@kramerlevin.com'; 'stroockparmalatcounsel @ stroock.com'; 'tharkness@kramerlevin.com'; 'thuyinh@kdefe.com'; 'todd.fishman@newyork.allenoverly.com'

**Subject:** RE: Parmalat: Petrucci information

**Counsel:**

The Joint Liquidators of FHL, DHL and PCFL object to these repeated attempts to take deposition discovery (whether oral or on written questions) in violation of the deadlines imposed by the Court for fact discovery (which has now long passed). While almost every party would like to take certain additional depositions, the parties made their choices regarding who would be deposed during fact discovery. That period is now closed. We object to your proposed procedure and will seek all appropriate relief from the Court if you continue to ignore the existing scheduling order by seeking continued deposition discovery from potential witnesses in Italy or elsewhere.

Regards,  
Greg Taylor

Diamond McCarthy, LLP  
1201 Elm Street, 34<sup>th</sup> Floor  
Dallas, Texas 75270  
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**From:** Vann, Brian D. [mailto:BVann@Sidley.com]

**Sent:** Monday, April 16, 2007 9:04 AM

**To:** Jeremy Andersen; aabramowitz@srk-law.com; aglenn@kasowitz.com; CMHTParmalat@cmht.com; DiamondParmalat Counsel; dzilka@gelaw.com; HBDParmalatCounsel @ hbdlawyers; Herbert P. Minkel, Jr.; jbauchner@kasowitz.com; jkairis@gelaw.com; jsabella@gelaw.com; lbeus@beusgilbert.com;

6/1/2007

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**Subject:** Parmalat: Petrucci information

Counsel:

I am writing to inform you about a development in our effort to schedule the deposition of Andrea Petrucci. As noted in our correspondence last week, communications with Mr. Petrucci's counsel have been ongoing for a number of months. Just recently, Mr. Petrucci's counsel informed us that his client would not be available for a deposition any time during the next few months, and that when he is eventually deposed he plans to invoke his right not to testify. However, he has indicated a willingness to review written questions submitted by counsel, and to sign an affidavit stating that he is invoking his right not to answer these questions. Accordingly, if you are interested in submitting questions to Mr. Petrucci, please provide us with any such questions by the close of business on Wednesday, April 18. We will collect the questions and provide them to Mr. Petrucci for his review.

Regards,

Brian

Brian Vann  
Sidley Austin LLP  
1501 K St. NW  
Washington, D.C. 20005  
(202) 736-8196

Sidley Austin LLP mail server made the following annotations on 04/16/07, 09:03:18:

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6/1/2007



## DIAMOND MCCARTHY LLP

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March 7, 2007

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### Via Electronic Mail

Brian D. Vann, Esq.  
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[bvann@sidley.com]

Re: *In re Parmalat; PCFL vs. Bank of America*

In response to your letter to Allan Diamond of March 5, 2007, we disagree with your characterization of our offer to allow follow-up on reasonable requests for documents or information that may arise out of our client representative's recent deposition. We certainly did not agree to extend the fact discovery deadline for depositions of witnesses of whom the parties have long been aware. Plaintiffs listed Mr. Andrea Petrucci as one of only seven potential fact witnesses associated with Parmalat Capital Finance Limited back in February 2006 during the negotiations with defense regarding deposition time limits, and issues regarding his innocence have arisen several times in pleadings, documents, and depositions. Your new request on the day discovery ended that we produce him for a deposition is unreasonable and untimely. In any event, Mr. Petrucci is a third-party witness who is not within my client's control. Thus, we are unable to provide you with an opportunity to depose Mr. Petrucci.

Very truly yours,

*Greg Taylor* / *by J. Benjamin Lee*  
*L. Ben Lee*

Greg Taylor

cc: Kathy Puzone  
[kpuzone@stroock.com]

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